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Attorneys for Plaintiff
ORACLE AMERICA, INC.

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN FRANCISCO DIVISION

ORACLE AMERICA, INC.

Plaintiff,

v.

GOOGLE INC.

Defendant.

Case No. CV 10-03561 WHA

**DECLARATION OF DANIEL P.
MUINO IN SUPPORT OF
PLAINTIFF'S ADMINISTRATIVE
REQUEST TO FILE DOCUMENTS
UNDER SEAL**

Dept.: Courtroom 8, 19th Floor
Judge: Honorable William H. Alsup

1 I, Daniel P. Muino, declare as follows:

2 1. I am an attorney with the law firm of Morrison & Foerster LLP, counsel of record
3 for Plaintiff Oracle America, Inc. ("Oracle"). I am an attorney duly licensed to practice law in the
4 courts of the State of California and am a member of the Bar of this Court. I make this
5 declaration in support of Plaintiff's Administrative Request To File Documents Under Seal. This
6 declaration is based on my personal knowledge, unless otherwise stated, and if called as a witness
7 I could and would testify competently to the facts stated herein.

8 2. Portions of Oracle's Oppositions to Google's Motions in Limine quote
9 documents that have been designated by Oracle as "HIGHLY CONFIDENTIAL –
10 ATTORNEY'S EYES ONLY" pursuant to the Order Opproving Stipulated Protective Order
11 Subject to Stated Conditions [Dkt. No. 68] governing this case.

12 3. In Oracle's Opposition to Google's Motion in Limine #3 and the Exhibits thereto,
13 Oracle seeks to seal Oracle documents that describe Sun's bargaining position with Google in
14 2006. While the fact that Google engaged in licensing negotiations with Oracle is public
15 information, the documents contained in Agrawal Exhibits 3-3, 3-4, 3-7, and 3-9, and reflected in
16 the motion at 7:5–9, 9:26–27, and 10:19–26 provides detailed information regarding the license
17 that the parties negotiated and Sun's expectations regarding that license, which reflects the
18 parties' demands and positioning in the negotiations, as well as Sun's internal business
19 projections. Oracle does not disclose this kind of information in the ordinary course of business.
20 Disclosure of that information would give an unfair advantage to Oracle's negotiating
21 counterparties.

22 4. Oracle also seeks to seal Exhibit 3-10 to the Agrawal Declaration and 11:9–14 of
23 Oracle's Opposition to Google's Motion in Limine #3. That information pertains to an internal
24 review of one of Sun's technology company acquisitions. Oracle does not disclose internal
25 acquisition information in the ordinary course of business, nor does it disclose accounting
26 documents pertaining to those acquisitions. Disclosure of this information would reveal Oracle's
27 acquisition strategy and would cause competitive harm to Oracle.

5. Oracle also seeks to seal Exhibit 16 to the Purcell Declaration and 2:19-24 of Google's Motion in Limine #3. That information pertains to confidential business negotiations and deal terms with Google. Oracle does not disclose this kind of information in the ordinary course of business. Disclosure of this information would reveal Oracle's negotiation and business strategy and would cause competitive harm to Oracle.

6. Oracle also seeks to seal Exhibit 18 to the Purcell Declaration and 5:12-13 of Google's Motion in Limine #3. That information pertains to confidential business strategy and negotiations involving Google and Sun. Oracle does not disclose this kind of information in the ordinary course of business. Disclosure of this information would reveal Oracle's business and product development strategy and would cause competitive harm to Oracle.

7. Oracle also seeks to seal Exhibit 19 to the Purcell Declaration and 5:16-20 of Oracle's Google's Motion in Limine #3. That information pertains to confidential business model presentations. Oracle does not disclose this kind of information in the ordinary course of business. Disclosure of this information would reveal Oracle's business strategy and would cause competitive harm to Oracle.

I declare under penalty of perjury under the laws of the United States that to the best of my knowledge the foregoing is true and correct.

Executed on October 7, 2011 at Palo Alto, California.

/s/ Daniel P. Muino
Daniel P. Muino